



Comité consultatif pour l'environnement de la Baie James

James Bay Advisory Committee on the Environment

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**MINUTES OF THE 143rd MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT**

(Adopted)

DATE: January 25, 2006

PLACE: Council of the Cree Nation of Wemindji (morning) and Wemindji Community Centre (afternoon)

PRESENT: François Boulanger, Canada
Guy Demers, Québec
George L. Diamond, CRA
Ginette Lajoie, CRA, Chairperson
Chantal Leblanc-Bélanger, Canada
Maryse Lemire, Canada
Pierre Moses, Québec
Claude Saint-Charles, Canada
Marc Jetten, Executive Secretary

ABSENT: Glen Cooper, CRA
Marian Fournier, Québec
Willie Iserhoff, ex-officio member, HFTCC
Diom Romeo Saganash, CRA, Vice-Chairperson

GUESTS: Annie Déziel, Canadian Environmental Assessment Agency
Johnny Mark, Local Environment Administrator, Wemindji
Rodney Mark, Chief, Wemindji
Jean-François Vachon, Project Officer, JBACE

Call to order and adoption of agenda

The Chairperson welcomed the members, along with Annie Déziel, who will soon replace François Boulanger as a member for Canada. Ms. Déziel has been working at the Canadian Environmental Assessment Agency since 2000, including at the secretariat of the Federal Review Panel (COFEX).

François Boulanger moved that the following agenda be adopted. Pierre Moses seconded the motion.

Morning

1. Call to order and adoption of agenda
2. Adoption of minutes of the 142nd meeting (October 12, 2005)
3. File update
4. Report and draft resolution of the subcommittee studying the impact assessment and review procedure applicable to Category I lands
5. Planned review of the lists of projects subject to and exempt from impact assessment
6. Appointment of JBACE chairperson for 2006-2007
7. Proposal regarding the *Parks Act* review
8. Aims of meeting with Cree-Québec Forestry Board on the review of forest management plans
9. Other business:
 - a. *Additional information from Alain Hébert regarding requirement to submit park projects to impact assessment*
 - b. *Status of JBACE member for Québec*
 - c. *Internship 2006*
 - d. *Public Information Office documents on Eastmain 1-A/Rupert diversion project*
10. Next meeting

Afternoon

11. Word of welcome from Chief of Wemindji
12. Presentation on JBACE's role (Chairperson)
13. Presentation by Jean-François Vachon and Johnny Mark on recycling pilot project in Wemindji
14. Visit to incinerator site

1. Adoption of minutes of the 142nd meeting (October 12, 2005)

On motion by Maryse Lemire, seconded by Guy Demers, the minutes of the 142nd meeting of the JBACE were adopted with the requested changes.

2. File update

a. Meeting with Recyc-Québec

In October 2005, a delegation from the JBACE met with people from Recyc-Québec to discuss possible technical and financial support for the recycling pilot project in Wemindji. According to a CRA member, the aim was to look at how Cree communities, which contribute to the overall costs of recycling, could obtain access to recycling programs. The Recyc-Québec representatives were open to the possibility, including under the compensation program for municipal services, which covers a portion of the operating costs of an existing recycling program, but not start-up costs.

b. Preparation of the regional public land development plan (PRDTP) for James Bay

A CRA member wondered whether the coordination table on issues concerning access to the Territory, established by the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (ANRQC), participated in the development of the PRDTP. According to information obtained by the secretary, there has been no progress in this matter recently, but the information will be checked with a member of the coordination table. According to a member for Québec, the regional director of the Ministère des Ressources naturelles et de la Faune (MRNF)-Secteur Territoire, is to meet with James Bay Municipality officials in February 2006 to report on the progress of the PRDTP.

Until such time as the PRDTP is adopted, the MRNF is implementing transitional measures governing the granting of leases for private vacation development. In addition, spot checks of illegal hunting camps are being conducted on the basis of complaints. A CRA member pointed out that vacation leases have been a sensitive issue for several years now due to the conflicting uses arising from the granting of leases near Cree camps. According to the member, part of the problem is the fact that no land use plan exists for Northern Québec.

In keeping with the directions defined in the JBACE's Strategic Plan, it was agreed to write to the MRNF to ask for an update on the land use plan and PRDTP as well as information regarding coordination of all current land use planning initiatives.

c. Proposed *Sustainable Development Act* (Bill 118)

The amendment proposed by the JBACE was not addressed during the parliamentary committee hearings on Bill 118 in fall 2005. However, the bill had not been adopted when the National Assembly adjourned in December. The committee's report will be tabled when the National Assembly resumes sitting in March 2006.

d. Implementation of JBACE's Strategic Plan (2005-2007)

The Administrative Committee has not finished working on the plan for implementing the strategic directions adopted by the JBACE. Tabling of the implementation plan was thus postponed. According to a CRA member, the postponement is not a problem in that the JBACE already follows some of the directions contained in the Strategic Plan.

3. Report and draft resolution of the subcommittee studying the impact assessment and review procedure applicable to Category I lands

A member of the subcommittee reminded the participants of the events that led to the proposal of recommendations for improving the application of the impact assessment and review procedure on Category I lands. First, the subcommittee hired a consultant to interview those involved in the procedure and examine environmental assessment systems in the rest of Canada and other countries. Based on the consultant's report, the subcommittee submitted 12 recommendations for adoption by the JBACE.

A member for Canada approved the proposed recommendations, but said that the role of local environment administrators (LEA) was the subject of talks between the Grand Council of the Crees and the Government of Canada. Future agreements may require the JBACE to revise its recommendations. According to a CRA member, any recommendations made by the JBACE must be in line with the current provisions of the JBNQA.

A member for Canada asked about the current terms of LEA training. A member for the CRA said that the latter is responsible for training LEAs, especially since the entry into force of the ANRQC. For now, various environmental issues are addressed through quarterly meetings, but the CRA has few resources to ensure ongoing training of LEAs. Among other things, the environmental code of practice needs to be updated.

JBACE Resolution 2006-01-25-01 regarding recommendations for improving the environmental and social impact assessment and review procedure applicable to Category I lands:

- WHEREAS the Chairperson of the Federal Review Panel (COFEX-South) wrote to the JBACE on November 13, 2002, regarding problems encountered during the review of two municipal infrastructure projects on Category I lands;
- WHEREAS the JBACE passed Resolution 2003-09-30-02 to create a subcommittee to examine the environmental and social impact assessment and review procedure as applied to Category I lands and that the Chairperson of COFEX-South was invited to sit on said subcommittee;
- WHEREAS the subcommittee unanimously adopted twelve (12) recommendations for improving application of the environmental and social impact assessment and review procedure on Category I lands;

On motion by Chantal Leblanc-Bélanger, seconded by Guy Demers:

It is unanimously resolved to adopt, as amended, the twelve (12) recommendations regarding application of the environmental and social impact assessment and review procedure on Category I lands.

The recommendations will be sent to the local, provincial and federal authorities responsible for application of the assessment and review procedure. Furthermore, implementation of the recommendations will be integrated with the JBACE's strategic directions for 2005-2007.

4. Planned review of the lists of projects subject to and exempt from impact assessment

A member for Canada told the others about current talks between the Grand Council of the Crees and the Government of Canada regarding, among other things, review of the lists of projects subject to and exempt from impact assessment (Section 22; schedules 1 and 2). The JBACE members would like to be consulted on the proposed review. Furthermore, in order for the JBACE to participate in the consultations on equal footing, it must review the lists itself as soon as possible, as provided for in the

recommendations for improving the assessment and review procedure applicable to Category I lands.

5. Appointment of JBACE chairperson for 2006-2007

It is Canada's turn to appoint the chairperson for fiscal 2006-2007. Given that François Boulanger's departure leaves a vacant seat on the Administrative Committee, it was agreed that the appointed chairperson for 2006-2007 will also sit on the Administrative Committee.

6. Proposal regarding the *Parks Act* review

The Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) plans on reviewing the *Parks Act*. This will be the first major review of the Act since its inception in 1977. The MDDEP wants to begin by making an administrative amendment to grant protected status to proposed parks more rapidly, the same as for the setting aside of land provided for in the *Natural Heritage Conservation Act*. The Department will then hold consultations on the directions for enhancing the *Parks Act*.

The secretary presented a background document on the establishment of parks in Northern Québec and the respective positions of the government and Aboriginal people. He said that the directions set out in the provisional master plan for the Alouane-Témiscamie-Otish National Park, which was jointly prepared by the MDDEP's parks branch and the Cree Nation of Mistissini, are consistent with the guiding principles of the environmental and social protection regime. In fact, the plan provides for recognition of the right to harvest guaranteed to Aboriginal people and the Cree system of land ownership. Furthermore, in accordance with the guiding principle of special involvement for the Cree people, the Cree community of Mistissini participated, on equal footing with the government, in the bodies responsible for establishing and managing the park.

The secretary suggested a direction that is not included in the provisional master plan for the Alouane-Témiscamie-Otish National Park: applying the impact assessment and review procedure, recognized as "public hearings" within the meaning of the *Parks Act*, to projects in the territory contemplated by Section 22 of the JBNQA. According to a CRA member, this direction requires more thought because we would first have to demonstrate that the assessment and review procedure addresses all of the issues covered by the public hearings provided for in the *Parks Act*.

The member invited the secretary to enhance his report, including by placing greater emphasis on the recommendations made by James Morrison in 1997. Moreover, a table would give a better understanding of the aspects differentiating a park from a biodiversity reserve or an aquatic reserve (protected areas).

A representative of the parks branch expressed an interest in meeting with the JBACE to discuss the proposed directions for park projects in James Bay. The members feel that the meeting should be held once the parks branch has announced the directions for the *Parks Act* review. Furthermore, the JBACE would like to know more about parks planned by the federal government as well as proposals from the Cree communities. The community of Wemindji is working with McGill University to establish a marine protected area at the mouth of the Maquata River, which harbours an island on which the village was once located.

7. Aims of meeting with Cree-Québec Forestry Board on the review of forest management plans

To avoid duplication of work, the JBACE hopes to sign a memorandum of understanding (MOU) with the Cree-Québec Forestry Board (CQFB) on the review of general forest management plans for 2008-2033. In 2005, the JBACE adopted a proposal stipulating the forestry issues in which it wants to continue to be involved. The JBACE and CQFB now need to agree on the terms of that involvement.

A member for Canada asked in what capacity the JBACE and CQFB have the power to sign MOUs, since this function normally falls to signatories of the JBNQA or ANRQC. A member for Québec thinks that the purpose of the ANRQC was to resolve problems encountered during the review of forest management plans and, therefore, the JBACE should no longer be involved in this issue.

The secretary will see if he can organize a meeting between the forestry subcommittee and JBACE Chairperson and the CQFB for February 2006.

8. Other business:

- a. *Additional information from Alain Hébert regarding requirement to submit park projects to impact assessment*

In a personal capacity, Alain Hébert gave the JBACE a follow-up letter to the brief submitted in July 2005. In Mr. Hébert's opinion, park projects should not be subject to the Section 22 assessment and review procedure, particularly since projects with far more significant impacts, including a 175-km-long mining road and a forest road that crosses a river, are apparently exempted. Both of these projects are located within the boundaries of the proposed Albanel-Témiscamie-Otish National Park. The secretary will try and get more information on the handling of these two projects.

b. Status of JBACE member for Québec

A member for Québec has resigned from the JBACE, leaving a vacant seat. The Québec government has taken steps to appoint a replacement.

c. Internship 2006

For the past two years, the JBACE has offered internships in the area of sustainable residual materials management. Last summer, Jean-François Vachon did a lot of work in support of the recycling pilot project in Wemindji. Continuation of this project now falls to the community. Mr. Vachon could provide technical assistance from time to time, including for recycling awareness initiatives.

Since the adopted recommendations for improving the impact assessment and review procedure include a review of the lists of projects subject to and exempt from impact assessment, and that talks are underway between the governments, the JBACE wants to conduct a study on this matter. The intern hired for next summer will be tasked with compiling data on the handling of different project categories at the various stages of the impact assessment and review procedure. Analysis of this data should shed light on projects that are likely to be added to or removed from the lists.

d. Public Information Office documents on Eastmain 1-A/Rupert diversion project

A CRA member informed everyone that the Public Information Office (PIO) created to disseminate information relating to the Eastmain 1-A/Rupert diversion project will be terminating its operations following the public consultations on the project (summer 2006). A considerable amount of information could be lost. The member suggested that it be handed over to the JBACE, which could make the information available on its Web site or store it temporarily.

9. Next meeting

The JBACE will hold its next meeting on April 5, 2006, in Montréal.

10. Word of welcome from chief of Wemindji

Wemindji Chief Rodney Mark welcomed the JBACE members and invited them back to Wemindji at any time. Chief Mark introduced the members of the Council of the Cree Nation of Wemindji, who had joined the JBACE members for the two presentations. Inquiring about the content of the item on the *Parks Act* review, the Chief brought the JBACE up to speed on the Wemindji First Nation's project to create a marine protected area.

11. Presentation on JBACE's role (Chairperson)

The Chairperson explained the JBACE's role and mandate in relation to the environmental and social protection regime established by the JBNQA. As one of the guiding principles of the regime is the protection of the wildlife harvesting rights of Aboriginal people, the Chief asked what the difference is between the JBACE and the Hunting, Fishing and Trapping Coordinating Committee (HFTCC). The wildlife harvesting rights of Aboriginal people are guaranteed by the Hunting, Fishing and Trapping Regime established by Section 24 of the JBNQA. This regime is managed by the HFTCC. However, the JBACE is responsible for ensuring protection of these rights under the environmental and social protection regime established by Section 22. The Chairperson also explained the role of governments and the assessment and review bodies under the regime.

The Chairperson concluded by stating the priority actions defined in the JBACE's Strategic Plan 2005-2007, which include renewal of the environmental and social protection regime, coordination of land use planning initiatives and sustainable management of residual materials.

12. Presentation by Jean-François Vachon and Johnny Mark on recycling pilot project in Wemindji

Jean-François Vachon explained the work accomplished during his internship last summer and the follow-up activities in the fall. The Wemindji First Nation now has a draft residual materials management plan to support Mr. Vachon's funding applications

under the recycling program. Local Environment Administrator Johnny Mark brought the JBACE up to speed on the preparations for the program's launch in spring 2006.

13. Visit to incinerator site

Johnny Mark took the JBACE members to the incinerator site. The members were able to view and witness the operation of the incinerator, which substantially reduces the volume of residual materials, as well as the challenges of non-combustible waste disposal.



Marc Jetten
Executive Secretary
April 12, 2006